

ORIGINAL



0000019303

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

2005 MAY 11 A 8:58

Arizona Corporation Commission

DOCKETED

MAY 11 2005

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

Ks

IN THE MATTER OF THE APPLICATION OF
CIRCLE CITY WATER COMPANY, LLC FOR
APPROVAL OF A HOOK-UP FEE TARIFF.

DOCKET NO. W-03510A-05-0145

IN THE MATTER OF THE APPLICATION OF
CIRCLE CITY WATER COMPANY, LLC FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY FOR
WATER SERVICE.

DOCKET NO. W-03510A-05-0146

PROCEDURAL ORDER

BY THE COMMISSION:

On March 2, 2005, Circle City Water Company, LLC ("Circle City" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an Application for Approval of Hook-Up Fee Tariff ("Hook-Up Fee Application").

On March 2, 2005, Circle City additionally filed an Application for Extension of Certificate of Convenience and Necessity ("CC&N Extension Application").

On March 14, 2005, Circle City filed a Motion to Consolidate the above referenced dockets based upon the fact that the generic issues relating to its Hook-Up Fee Application are relevant to its CC&N Extension Application such that consolidation would serve the interests of administrative efficiency.

By Procedural Order dated April 4, 2005, the above-captioned matters were consolidated for the purposes of hearing.

On May 6, 2005, the staff of the Commission's Utilities Division ("Staff") filed a letter indicating that Circle City's CC&N Extension Application has met the sufficiency requirements as outlined in the Arizona Administrative Code.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the consolidated matter shall commence on **July 25, 2005 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before July 11, 2005.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or before July 18, 2005.

IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in this matter, in the following form and style, with the heading in no less than 10 point bold type and the body in no less than 10 point regular type:

**PUBLIC NOTICE OF HEARING ON THE CONSOLIDATED
APPLICATIONS OF CIRCLE CITY WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY
AND FOR APPROVAL OF A HOOK-UP FEE TARIFF
(W-03510a-05-0145 et al)**

On March 2, 2005, Circle City Water Company ("Circle City" or "Applicant") filed an application with the Arizona Corporation Commission ("Commission") for approval of a hook-up fee tariff, which would apply to new customers, and for an extension of its Certificate of Convenience and Necessity ("CC&N") to provide water service to an area in which records indicate you are a property owner. These matters have been consolidated for the purposes of hearing.

If the application to extend Circle City's CC&N is granted, the Applicant would be the exclusive provider of water to the proposed area, and would be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The applications are available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of the Company, [insert address].

The Commission will hold a hearing on this consolidated matter beginning **July 25, 2005 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to the Applicants or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicants, a shareholder of the Applicants, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicants or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before July 11, 2005. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any potential customer from appearing at the hearing and making a statement on such person's own behalf. You will not, however, receive any further notice of the proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting , Linda Hogan , ADA Coordinator, voice phone number 602-542-3931, E-mail LHogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Applicant shall mail to each property owner in the requested extension area a copy of the above notice and shall cause the above notice to be published at least one in a newspaper of general circulation in its proposed service territory, with publication and mailing to be completed no later than June 27, 2005 .

IT IS FURTHER ORDERED that the Applicant shall file certification of mailing/publication as soon as practicable after the mailing/publication has been completed but not later than July 11, 2005.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication of same, notwithstanding the failure of an individual to read or receive the notice.

IT IS FURTHER ORDERED that Staff shall file a Staff Report for the consolidated applications on or before June 27, 2005.

IT IS FURTHER ORDERED that the Applicant shall file any objections to the Staff Report on or before July 11, 2005.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 11th day of May, 2005.

4
5 
6 AMANDA POPE
7 ADMINISTRATIVE LAW JUDGE
8

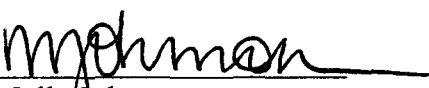
9 Copies of the foregoing mailed
this 11 day of April, 2005 to:

10 Jay L. Shapiro
11 Fennemore Craig
12 3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012

13 Christopher Kempley, Chief Counsel
14 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
15 Phoenix, Arizona 85007

16 Ernest Johnson, Director
17 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
18 Phoenix, Arizona 85007

19 ARIZONA REPORTING SERVICE, INC.
20 2627 N. Third Street, Ste. Three
Phoenix, Arizona 85004-1104
21

22 By: 
23 Molly Johnson
24 Secretary to Amanda Pope
25
26
27
28